

REMARKS

In a final Office Action dated April 14, 2006, the Examiner provisionally rejected claims 11 and 16 under the judicially created doctrine of obviousness-type double patenting as anticipated by certain claims of copending patent application serial no. 10/675,170; rejected claims 24, 25, 29, and 30 under 35 U.S.C. 103(a) as unpatentable over Doing et al. (US 5,161,166) in view of Kedem et al. (US 6,134,643) and Schumann et al. (US 6,012,106); and rejected claim 31 under 35 U.S.C. 103(a) as unpatentable over *Doing, Kedem and Schumann*, further in view of Patterson & Hennessy, “Computer Architecture: A Quantitative Approach” and Chauvel (US 6,957,315 B2). Claims 12-15 and 26-28 were objected to as being dependent upon a rejected base claim, but otherwise indicated to contain allowable subject matter. Claims 1-10, 17-23, 33 and 34 were allowed.

Double Patenting

In response to the Examiner’s provisional double patenting rejection of claims 11 and 16, applicant notes that the copending application has been recently allowed. Applicant submits herewith a terminal disclaimer to obviate the double patenting rejection.

Prior Art


Applicant has amended independent claim 24 herein to include all the limitations of dependent claim 26. Claim 26 has accordingly been cancelled as superfluous. Since claim 26 was indicated to contain allowable subject matter, and was objected to solely as being dependent on a rejected base claim, amended claim 24 is now allowable. Claims 25, 29 and 30 are dependent on claim 24 and allowable for the same reasons.

Applicant has re-written claim 27 in independent form, including all the limitations of claim 24, from which it previously depended.. Since claim 27 was indicated to contain allowable subject matter, and was objected to solely as being dependent on a rejected base claim, amended claim 27 in independent form is now allowable.

In view of the foregoing, applicant submits that the claims are now in condition for allowance, and respectfully requests reconsideration and allowance of all claims. In addition, the Examiner is encouraged to contact applicant's attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

DAVID A. LUICK

By: 

Roy W. Truelson

Registration No. 34,265

Telephone: (507) 202-8725